

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON
WEDNESDAY, JANUARY 11, 2006
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR
MICHAEL D. KOEHS, CLERK
MARIE MALBURG, TREASURER
TRUSTEES: DINO F. BUCCI, JR.
JANET DUNN
ROGER KRZEMINSKI
NANCY NEVERS

ABSENT: NONE

Also in attendance: Lawrence W. Dloski, Township Attorney
James Gelios, Township Deputy Clerk
Jerome R. Schmeiser, Community Planning Consultant
David Lakin, Township Engineer of Spalding DeDecker &
Associates. (Additional attendance record on file with Clerk)

Call Meeting to Order

Supervisor BRENNAN called the meeting to order at 7:00 p.m.

Pledge of Allegiance

1. Roll Call

Clerk KOEHS called the Roll Call, all members present.

2. Approval of the Agenda Items (with any corrections)

MOTION by DUNN seconded by BUCCI to approve the agenda as amended.

MOTION carried.

3. Approval of the Bills

MOTION by KRZEMINSKI seconded by BUCCI to approve the Bills as submitted.

MOTION carried.

4. Approval of the December 28, 2005 previous Meeting Minutes

MOTION by DUNN seconded by NEVERS to approve the revised meeting minutes as discussed.

MOTION carried.

5. **CONSENT AGENDA ITEMS:**

- 5a. **Clerks Department:**

1. **Partial Release of Site Plan Bond for the Monuments, Irons and As-Builts;** Sec. 22; Buckingham Village Subdivision No.2
2. **Partial Release of Site Plan Bond;** Sec. 34; Home Depot

MOTION by KOEHS seconded by MALBURG to approve the consent agenda items as submitted.

MOTION carried.

6. Public Portion: (Non Agenda Items Only – 3 minute time limit) - None

PUBLIC HEARING:

7. **Industrial Development District; Macomb Industrial Park (Unit 11);** Located west of Industrial Drive and approx. 1600 feet north of 23 Mile Road. Greg Iacobelli Petitioner, Permanent Parcel No. 08-18-326-011

Supervisor BRENNAN opened the public hearing at 7:05 p.m.

Mr. BRENNAN reviewed this request which involves a building that was first built December 31, 2001, without a building permit, but never occupied by a tenant. However, in 2005 a building permit was issued and now the petitioner is requesting a speculative Industrial Development District be created.

This request was reviewed by the Township Attorney, Township Assessor and Township Building Official.

Public Portion: None

MOTION by BUCCI seconded by KRZEMINSKI to close the public hearing at 7:11 p.m.

MOTION carried.

Trustee DUNN addressed her concerns relating to the time the building was placed on the Township Tax Roll and asked for clarification regarding what the revision to the building was. Supervisor BRENNAN indicated that the building was more than likely added to the Township Tax Roll as a partial assessment in 2001. He indicated that the building was never revised since the building construction was never completed until recently, which is why the matter is here for consideration.

MOTION by DUNN seconded by KRZEMINSKI to adopt the resolution to establish the Industrial Development District for Macomb Industrial Park (Unit 11); Permanent Parcel No. 08-18-326-011. The resolution is as follows:

**RESOLUTION
Industrial Development District
Macomb Industrial Park Unit 11**

Minutes of a Regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 11, 2006, at 7:00 P.M. Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Janet Dunn, Roger Krzeminski, Nancy Nevers

ABSENT: None.

The following preamble and resolution were offered by Member DUNN and supported by Member KRZEMINSKI.

WHEREAS, MGG, LLC., a Michigan corporation, has petitioned the Macomb Township Board for the creation of an Industrial Development District pursuant to the provisions of Act 198, Public Acts of 1974, as amended, within the unincorporated area of the Township, 51685 Industrial; and,

WHEREAS, the Township of Macomb is a local governmental unit which levies ad valorem taxes at a rate which, when taken together with rates of ad valorem taxes levied by other taxing authorities which levy taxes within the Township of Macomb, equals or exceeds Thirty and 00/100

Dollars (\$30.00) for each One Thousand and 00/100 Dollars (\$1,000.00) of state equalized valuation, and thus qualifies as a local governmental unit empowered to establish an Industrial Development District pursuant to Act 198, supra; and,

WHEREAS, the Township Board has established January 11, 2006, at 7:00 P.M. as the date and time and the Township Offices located at 54111 – Broughton Road, Macomb, Michigan 48042, as the place for holding of a public hearing on the question of whether an Industrial Development District should be established pursuant to the petition of MGG, LLC.; and,

WHEREAS, the Township Board has given written notice of said hearing by certified mail to the owner of all real property within the proposed Industrial Development District,

WHEREAS, the Township Board has heard the comments of the owners of said land and owners of all real property within the proposed Industrial Development District who have elected to communicate with the Township Board concerning the creation of an Industrial Development District, as herein contemplated; and,

WHEREAS, the Township Board has determined that the request for establishment of the Industrial Development District is to allow MGG, LLC to apply for an Industrial Facilities Exemption Certificate for a Speculative Building which has been constructed on the land described below ;

NOW, THEREFORE, BE IT RESOLVED by the Township Board of the Township of Macomb, Macomb County, Michigan:

1. That the Township Board hereby deems the establishment of an Industrial District as proposed by MGG, LLC. to be beneficial to the residents of the Township of Macomb, and further, said District will result in increased employment and an eventual and substantial increase in state equalized valuation of the Township of Macomb;

2. That an Industrial Development District is hereby established pursuant to the provisions of Act 198, Public Acts of 1974, as amended, the boundaries of said district being solely confined to the following described lands:

Unit 11, “Macomb Industrial Park Condominium”, according to the Master Deed recorded in Liber 4828, Pages 257 through 271, inclusive, Macomb County Records, and designated as Macomb County Condominium Subdivision Plan No. 344, together with rights in common elements and

UNAPPROVED

limited common elements, as set forth in the above Master Deed (and Amendments thereto) and as described in Act 59 of the Public Acts of 1978, as amended. Permanent Parcel 08-18-326-011

AYES: DUNN, KRZEMINSKI, NEVERS, BUCCI, MALBURG, KOEHS, AND BRENNAN.

NAYS: NONE.

ABSENT: NONE.

Michael D. Koehs, CMC
Macomb Township Clerk

RESOLUTION DECLARED ADOPTED.

- 8. Request to Adopt a Resolution to Create the Special Assessment District; Street Lighting; Margherita Estates Subdivision;** Located on the west side of Card Road and approximately ¼ mile north of 22 Mile Road; Rocco Galati, Petitioner. Permanent Parcel No. 08-22-400-014

Supervisor BRENNAN reviewed the request and opened the public hearing at 7:15 p.m.

Petitioner: Not present

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to close the public hearing at 7:16 p.m.

MOTION carried.

MOTION by KRZEMINSKI seconded by MALBURG to adopt the resolution to establish the Special Assessment District; Street Lighting; Margherita Estates Subdivision. Permanent Parcel No. 08-22-400-014. The resolution is as follows:

**Street Lighting Margherita Estates Subdivision
RESOLUTION ORDERING ESTABLISHMENT
OF STREET LIGHTING DISTRICT**

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on January 11, 2006, at 7:00 P.M., Eastern Standard Time.

PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Janet Dunn, Dino F. Bucci, Jr., Roger Krzeminski, Nancy Nevers.

ABSENT: None.

The following preamble and resolution were offered by Member KRZEMINSKI and supported by Member MALBURG.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at Margherita Estates Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".

2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.

UNAPPROVED

3. The annual electrical service charge is Two Thousand Two Hundred Fifty Eight dollars and 83/100 (\$2,258.83). Three times the annual cost is Six Thousand Seven Hundred Seventy Six dollars and 48/100 (\$6,776.48). Total project cost is Twenty Four Thousand Seven Hundred Fifty Eight dollars and 11/100 (\$24,758.11). The petitioner contribution amount is Seventeen Thousand Nine Hundred Eighty One dollars and 63/100 (\$17,981.63). The Townships at large contribution is zero dollars and 00/100 (\$0.00).

4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: KRZEMINSKI, MALBURG, NEVERS, DUNN, BUCCI, KOEHS, BRENNAN.

NAYS: NONE.

ABSENT: NONE.

MICHAEL D. KOEHS, CMC
MACOMB TOWNSHIP CLERK

SAD, Street Lighting, Margherita Estates Subdivision

EXHIBIT "A"

LEGAL DESCRIPTION OF

SPECIAL ASSESSMENT LIGHTING DISTRICT

T.3N.R13E. SEC 22 COMM AT SE COR SEC 22; TH N02°30'E 1151.48 FT TO PT OF BEG; TH N87°35'22"W 300.0 FT; TH S02°30'W 135.0 FT; TH N87°35'22"W 1043.76 FT; TH N02°19'24"E 330.0 FT; TH S87°35'22"E 1344.78 FT; TH S02°30'W 195.0 FT TO PT OF BEG 9.255 AC.

Pre-Printed Portion of document

drafted by:

**Lawrence W. Dloski
ANTHONY, SEIBERT AND DLOSKI, PLLC
59 N. Walnut, 202 Vicant Building
Mt. Clemens, MI 48043**

**AFTER RECORDING RETURN TO: Michael D. Koehs
Macomb Township Clerk
54111 Broughton Road
Macomb, MI 48042**

RESOLUTION DECLARED ADOPTED.

PLANNING COMMISSION:

9. **Final Plat; Gloede Park Subdivision (Phase I);** Located on the northwest corner of 21 Mile Road and Garfield Road; Michele Ventimiglia, Petitioner. Permanent Parcel No. 08-30-400-020.

Jerome R. Schmeiser, Community Planning Consultant, reviewed the request and the recommendation for approval.

Petitioner Present: Jeffrey Rizzo

Public Portion: None

MOTION by DUNN seconded by BUCCI to approve the final plat for Gloede Park Subdivision (Phase I) and direct the Township Clerk to sign the mylar. Permanent Parcel No. 08-30-400-020.

MOTION carried.

10. **Rezoning Request; Residential One Family Urban (R-1) to Commercial General (C-2);** Located on the southeast corner of 24 Mile Road and Garfield Roads. Michael Magnoli, Petitioner. Permanent Parcel No. 08-17-100-019

Tabled at the petitioner's request to the January 23, 2006 Board of Trustees Meeting.

NEW BUSINESS:

11. **Joint Participation Agreement for Utility Extension; 23 Mile Road Sanitary Sewer Extension; (The Rivers Estates)** – east limits of Macomb Township. Elro Corporation, Petitioner. SDA Job No. MA03-015

Supervisor BRENNAN reviewed the request.

Petitioner Present: Harry Terbrueggen
Public Portion: None

MOTION by KOEHS seconded by MALBURG to authorize the Township Supervisor to sign the Joint Participation Agreement for Utility Extension; 23 Mile Road Sanitary Sewer Extension; SDA Job No. MA03-015

MOTION carried.

12. **Request to Schedule The Public Hearing Date for (February 7, 2006); Special Assessment District; Street Lighting; Legacy Farms Subdivision;** Located on the west side of Fairchild, approximately ¼ mile north of 22 Mile Road; Christopher Cousino, Petitioner. Permanent Parcel No. 08-24-401-004.

MOTION by MALBURG seconded by BUCCI to schedule February 7, 2006 as the Public Hearing Date for the establishment of a Special Assessment District for Street Lighting for Legacy Farms Subdivision. Permanent Parcel No. 08-24-401-004.

MOTION carried.

MOTION by KOEHS seconded by MALBURG to amend the previous motion and change the public hearing date from February 7, 2006 to February 8, 2006 for the establishment of a Special Assessment District for Street Lighting for Legacy Farms Subdivision. Permanent Parcel No. 08-24-401-004.

MOTION carried.

HUMAN RESOURCE DEPARTMENT:

13. Request to Start Recruitment Process for a Fire RMS Supervisor

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KOEHS seconded by BUCCI to authorize John Brogowicz, Township Human Resource Director, to initiate the recruitment process for a Fire RMS Supervisor for the Macomb Township Fire Department.

MOTION carried.

14. Request to Start Recruitment Process for a Broadcast Media Technician

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by DUNN to authorize John Brogowicz, Township Human Resource Director, to initiate the recruitment process for the Broadcast Media Technician Position for the Macomb Township Broadcast Media Department.

MOTION carried.

15. Request to Start Recruitment Process for a Broadcast Media Access Producer/Writer

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by MALBURG to authorize John Brogowicz, Township Human Resource Director, to initiate the recruitment process for a Broadcast Media Access Producer/Writer Position for the Township Broadcast Media Department.

MOTION carried.

MOTION by KOEHS seconded by NEVERS to authorize John Brogowicz, Township Human Resource Director, to negotiate with AFSCME, Local 1103-C Collective Bargaining Agreement regarding the Broadcast Media Technician and Broadcast Media Access Producer/Writer Positions.

MOTION carried

Addition:

15a. Leave of Absence Request – Township Fire Department

John Brogowicz, Human Resource Director, reviewed the request.

Public Portion: None

MOTION by KRZEMINSKI seconded by MALBURG to approve the Personal Leave of Absence request submitted by John Martin Township Fire Department Paid on Call Fire Fighter, from January 4, 2006 to January 3, 2007. Mr. Martin will be scheduled to return to active duty on January 4, 2007. This motion is pursuant to the Collective Bargaining Agreement (CBA) between the Township and Macomb Township Fire Fighters Association.

MOTION carried.

WATER & SEWER DEPARTMENT:

16. Miss Dig Membership Agreement

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by DUNN seconded by BUCCI to authorize the Township to execute the Miss Dig Membership Agreement.

MOTION carried.

17. Purchase Requisition Request:
A). SLC Meter Service

David Koss, Water & Sewer Department Superintendent, reviewed the request.

Public Portion: None

MOTION by MALBURG seconded by KOEHS to approve the SLC Meter Service Purchase Requisition for four (4) handheld W/HR2380 HHIU Adapters for the total cost of Seven Thousand Four Hundred Dollars and 00/100 (\$7,400.00).

MOTION carried.

BOARD COMMENTS:

18. Supervisor Comments:

18a. Request to Extend the Premacon Contract; Fire Department Building No. 4, CDPA Architects.

Supervisor BRENNAN reviewed the request.

Public Portion: None

MOTION by BUCCI seconded by MALBURG to follow the Building Authority recommendation and extend the contract between the Township and Premacon for Fire Station Number 4 for a period of sixty (60) days from January 14, 2006 to March 14, 2006.

MOTION carried.

18b. Announcement Regarding Management Union Contract AFSCME 1917 Negotiations

Supervisor BRENNAN informed the Board of Trustees that the Township has reached a tentative agreement with the management union contract and commended John D. Brogowicz, Human Resource Director, for doing an outstanding job. Mr. BRENNAN indicated that the Township is waiting on the Union for ratification of the tentative agreement.

18c. Brief Discussion Regarding the Meeting Format Structure

Supervisor BRENNAN informed the Board of Trustees that Township meetings will be broadcast towards the end of March 2006 and mentioned how discussions have been had relating to the format of the meetings.

Supervisor BRENNAN suggested changing the format of all Township meetings relating to the public participation. The public participation will take place at the beginning of agendas for all agenda and non-agenda items.

MOTION by DUNN seconded by BUCCI moving all pubic comments for agenda and non-agenda items to the beginning of the meeting. The existing rules regarding the three minute time period per speaker etc. will continue to be enforced.

MOTION carried.

Addition:

18d. Township Employee Staffing Levels

Supervisor BRENNAN addressed his concerns relating to the amount of work for Clerical and Inspector positions. He would like to receive authorization from the Township Board of Trustees to begin reviewing all departments and to contact the AFSCME 1103 Local to discuss the possibility of voluntary and intermittent layoffs. If the union is not in favor of such options then, ultimately, layoff procedures will begin pursuant to the AFSCME 1103 Local contract.

Public Portion: None

MOTION by KRZEMINSKI seconded by BUCCI to authorize the Township Supervisor to begin reviewing all departments and to contact the AFSCME 1103 Local to discuss the possibility for voluntary and intermittent layoffs. If the union is not in favor of such options then, ultimately, layoff procedures will begin pursuant to the AFSCME 1103 Local contract.

MOTION carried.

19. Clerk Comments: None

20. Treasurer Comments: None

21. Trustees Comments: None

ADJOURNMENT:

MOTION by BUCCI seconded by KOEHS to adjourn this meeting at 7:48 p.m.

MOTION carried.

Respectfully submitted,

John D. Brennan, Supervisor

Michael D. Koehs, CMC
Macomb Township Clerk
MDK/gmh